

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:06-00207

WILLIE T. WARE

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On April 17, 2013, the United States of America appeared by C. Haley Bunn, Assistant United States Attorney, and the defendant, Willie T. Ware, appeared in person and by his counsel, Rhett H. Johnson, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Shawn P. Donoho. The defendant commenced a six-year term of supervised release in this action on November 1, 2011, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on April 11, 2007.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant committed the federal and state offense of possession of cocaine and trafficking cocaine for which he was arrested on July 15, 2012, and for which he was subsequently indicted in the Hamilton County Ohio Common Pleas Court, as evidenced by his admission on the record of the hearing that he was in possession of 15.86 grams of cocaine base which he intended to distribute; (2) the defendant used and possessed controlled substances as evidenced by positive urine specimens submitted by him on September 26, 2012, for cocaine, marijuana and morphine; on October 23, 2012, for marijuana, morphine and codeine; on October 30, 2012, for marijuana; and on November 6, 2012, for marijuana and cocaine; and (3) that the defendant failed to report to the probation officer as instructed as more fully set forth in the petition; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of

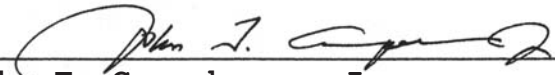
supervised release and, further, that it would unduly depreciate the seriousness of the violation if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of THIRTY-SIX (36) MONTHS.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: May 2, 2013



John T. Copenhaver, Jr.
United States District Judge